

116TH CONGRESS
1ST SESSION

H. R. 1456

To amend the Controlled Substances Act to provide for a new rule regarding the application of the Act to marihuana, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2019

Ms. LEE of California (for herself, Mr. BLUMENAUER, Mr. KHANNA, Ms. NORTON, Mr. RUSH, Ms. SCHAKOWSKY, Mr. THOMPSON of Mississippi, Ms. TLAIB, Mrs. WATSON COLEMAN, Mr. PERLMUTTER, Ms. OCASIO-CORTEZ, Ms. JOHNSON of Texas, Mr. DANNY K. DAVIS of Illinois, Mr. GREEN of Texas, Ms. PRESSLEY, Mr. COHEN, Mr. HUFFMAN, Mr. CORREA, Ms. JAYAPAL, Mr. GRIJALVA, Mr. LOWENTHAL, Mr. HASTINGS, Mr. RICHMOND, Mr. CLYBURN, Mr. BUTTERFIELD, Mr. JOHNSON of Georgia, Ms. WILSON of Florida, Ms. JACKSON LEE, Ms. CLARKE of New York, Ms. ADAMS, and Ms. FUDGE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Agriculture, Natural Resources, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Controlled Substances Act to provide for a new rule regarding the application of the Act to marihuana, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Marijuana Justice Act
3 of 2019”.

4 **SEC. 2. DE-SCHEDULING MARIHUANA.**

5 (a) MARIJUANA REMOVED FROM SCHEDULE OF
6 CONTROLLED SUBSTANCES.—Subsection (c) of schedule
7 I of section 202(c) of the Controlled Substances Act (21
8 U.S.C. 812) is amended—

9 (1) by striking “marihuana”; and

10 (2) by striking “tetrahydrocannabinols”.

11 (b) REMOVAL OF PROHIBITION ON IMPORT AND EX-
12 PORT.—Section 1010(b) of the Controlled Substances Im-
13 port and Export Act (21 U.S.C. 960) is amended—

14 (1) in paragraph (1)—

15 (A) in subparagraph (F), by inserting “or”
16 after the semicolon;

17 (B) by striking subparagraph (G); and

18 (C) by redesignating subparagraph (H) as
19 subparagraph (G);

20 (2) in paragraph (2)—

21 (A) in subparagraph (F), by inserting “or”
22 after the semicolon;

23 (B) by striking subparagraph (G); and

24 (C) by redesignating subparagraph (H) as
25 subparagraph (G);

1 (3) in paragraph (3), by striking “paragraphs
2 (1), (2), and (4)” and inserting “paragraphs (1) and
3 (2)”;

4 (4) by striking paragraph (4); and

5 (5) by redesignating paragraphs (5), (6), and
6 (7) as paragraphs (4), (5), and (6), respectively.

7 (c) CONFORMING AMENDMENTS TO CONTROLLED
8 SUBSTANCES ACT.—The Controlled Substances Act (21
9 U.S.C. 801 et seq.) is amended—

10 (1) in section 102(44) (21 U.S.C. 802(44)), by
11 striking “marihuana,”;

12 (2) in section 401(b) (21 U.S.C. 841(b))—

13 (A) in paragraph (1)—

14 (i) in subparagraph (A)—

15 (I) in clause (vi), by inserting
16 “or” after the semicolon;

17 (II) by striking (vii); and

18 (III) by redesignating clause
19 (viii) as clause (vii);

20 (ii) in subparagraph (B)—

21 (I) by striking clause (vii); and

22 (II) by redesignating clause (viii)
23 as clause (vii);

24 (iii) in subparagraph (C), in the first
25 sentence, by striking “subparagraphs (A),

1 (B), and (D)” and inserting “subpara-
 2 graphs (A) and (B)”;
 3 (iv) by striking subparagraph (D);
 4 (v) by redesignating subparagraph (E)
 5 as subparagraph (D); and
 6 (vi) in subparagraph (D)(i), as so re-
 7 designated, by striking “subparagraphs (C)
 8 and (D)” and inserting “subparagraph
 9 (C)”;
 10 (B) by striking paragraph (4); and
 11 (C) by redesignating paragraphs (5), (6),
 12 and (7) as paragraphs (4), (5), and (6), respec-
 13 tively;
 14 (3) in section 402(c)(2)(B) (21 U.S.C.
 15 842(c)(2)(B)), by striking “, marihuana,”;
 16 (4) in section 403(d)(1) (21 U.S.C. 843(d)(1)),
 17 by striking “, marihuana,”;
 18 (5) in section 418(a) (21 U.S.C. 859(a)), by
 19 striking the last sentence;
 20 (6) in section 419(a) (21 U.S.C. 860(a)), by
 21 striking the last sentence;
 22 (7) in section 422(d) (21 U.S.C. 863(d))—
 23 (A) in the matter preceding paragraph (1),
 24 by striking “marijuana,”; and

1 (B) in paragraph (5), by striking “, such
2 as a marihuana cigarette,”; and

3 (8) in section 516(d) (21 U.S.C. 886(d)), by
4 striking “section 401(b)(6)” each place the term ap-
5 pears and inserting “section 401(b)(5)”.

6 (d) OTHER CONFORMING AMENDMENTS.—

7 (1) NATIONAL FOREST SYSTEM DRUG CONTROL
8 ACT OF 1986.—The National Forest System Drug
9 Control Act of 1986 (16 U.S.C. 559b et seq.) is
10 amended—

11 (A) in section 15002(a) (16 U.S.C.
12 559b(a)) by striking “marijuana and other”;

13 (B) in section 15003(2) (16 U.S.C.
14 559c(2)) by striking “marijuana and other”;
15 and

16 (C) in section 15004(2) (16 U.S.C.
17 559d(2)) by striking “marijuana and other”.

18 (2) INTERCEPTION OF COMMUNICATIONS.—Sec-
19 tion 2516 of title 18, United States Code, is amend-
20 ed—

21 (A) in subsection (1)(e), by striking “mari-
22 huana,”; and

23 (B) in subsection (2) by striking “mari-
24 huana,”.

1 **SEC. 3. INELIGIBILITY FOR CERTAIN FUNDS.**

2 (a) DEFINITIONS.—In this section—

3 (1) the term “covered State” means a State
4 that has not enacted a statute legalizing marijuana
5 in the State;

6 (2) the term “disproportionate arrest rate”
7 means—

8 (A) the percentage of minority individuals
9 arrested for a marijuana related offense in a
10 State is higher than the percentage of the non-
11 minority individual population of the State, as
12 determined by the most recent census data; or

13 (B) the percentage of low-income individ-
14 uals arrested for a marijuana offense in a State
15 is higher than the percentage of the population
16 of the State that are not low-income individ-
17 uals, as determined by the most recent census
18 data;

19 (3) the term “disproportionate incarceration
20 rate” means the percentage of minority individuals
21 incarcerated for a marijuana related offense in a
22 State is higher than the percentage of the non-mi-
23 nority individual population of the State, as deter-
24 mined by the most recent census data;

25 (4) the term “low-income individual” means an
26 individual whose taxable income (as defined in sec-

tion 63 of the Internal Revenue Code of 1986) is equal to or below the maximum dollar amount for the 15 percent rate bracket applicable to the individual under section 1 of the Internal Revenue Code of 1986;

(5) the term “marijuana” has the meaning given the term “marihuana” in section 102 of the Controlled Substances Act (21 U.S.C. 802); and

(6) the term “minority individual” means an individual who is a member of a racial or ethnic minority group.

(b) INELIGIBILITY FOR CERTAIN FUNDS.—

(1) IN GENERAL.—For any fiscal year beginning after the date of enactment of this Act in which the Attorney General, acting through the Director of the Bureau of Justice Assistance, determines that a covered State has a disproportionate arrest rate or a disproportionate incarceration rate for marijuana offenses, the covered State—

(A) shall not be eligible to receive any Federal funds for the construction or staffing of a prison or jail; and

(B) shall be subject to not more than a 10-percent reduction of the funds that would otherwise be allocated for that fiscal year to the

1 covered State under subpart 1 of part E of title
2 I of the Omnibus Crime Control and Safe
3 Streets Act of 1968 (42 U.S.C. 3750 et seq.),
4 whether characterized as the Edward Byrne
5 Memorial State and Local Law Enforcement
6 Assistance Programs, the Local Government
7 Law Enforcement Block Grants Program, the
8 Edward Byrne Memorial Justice Assistance
9 Grant Program, or otherwise.

10 (2) FUNDS FOR CERTAIN PROGRAMMING.—For
11 purposes of paragraph (1)(A), Federal funds for the
12 construction or staffing of a prison or jail shall not
13 include Federal funds used by a prison or jail to
14 carry out recidivism reduction programming or drug
15 addiction treatment.

16 (3) REALLOCATION.—Any amounts not award-
17 ed to a covered State because of a determination
18 under paragraph (1) shall be deposited in the Com-
19 munity Reinvestment Fund established under section
20 4.

21 (c) EXPUNGEMENT OF MARIJUANA OFFENSE CON-
22 VICTIONS.—Each Federal court shall issue an order
23 expunging each conviction for a marijuana use or posses-
24 sion offense entered by the court before the date of enact-
25 ment of this Act.

1 (d) SENTENCING REVIEW.—

2 (1) IN GENERAL.—For any individual who was
3 sentenced to a term of imprisonment for a Federal
4 criminal offense involving marijuana before the date
5 of enactment of this Act and is still serving such
6 term of imprisonment, the court that imposed the
7 sentence, shall, on motion of the individual, the Di-
8 rector of the Bureau of Prisons, the attorney for the
9 Government, or the court, conduct a sentencing
10 hearing.

11 (2) POTENTIAL REDUCED RESENTENCING.—
12 After a sentencing hearing under paragraph (1), a
13 court may impose a sentence on the individual as if
14 this Act, and the amendments made by this Act,
15 were in effect at the time the offense was committed.

16 (e) RIGHT OF ACTION.—

17 (1) IN GENERAL.—An individual who is ag-
18 grieved by a disproportionate arrest rate or a dis-
19 proportionate incarceration rate of a State may
20 bring a civil action in an appropriate district court
21 of the United States.

22 (2) RELIEF.—In a civil action brought under
23 this subsection in which the plaintiff prevails, the
24 court shall—

1 (A) grant all necessary equitable and legal
2 relief, including declaratory relief; and

3 (B) issue an order requiring the Attorney
4 General, acting through the Director of the Bu-
5 reau of Justice Assistance, to—

6 (i) declare the State to be ineligible to
7 receive any Federal funds for the construc-
8 tion or staffing of a prison or jail in ac-
9 cordance with subsection (b)(1)(A); and

10 (ii) reduce grant funding of the State
11 in accordance with subsection (b)(1)(B).

12 **SEC. 4. COMMUNITY REINVESTMENT FUND.**

13 (a) ESTABLISHMENT.—There is established in the
14 Treasury of the United States a fund, to be known as the
15 “Community Reinvestment Fund” (referred to in this sec-
16 tion as the “Fund”).

17 (b) DEPOSITS.—The Fund shall consist of—

18 (1) any amounts not awarded to a covered
19 State because of a determination under section
20 3(b)(1); and

21 (2) any amounts otherwise appropriated to the
22 Fund.

23 (c) USE OF FUND AMOUNTS.—Amounts in the Fund
24 shall be available to the Secretary of Housing and Urban
25 Development to establish a grant program to reinvest in

1 communities most affected by the war on drugs, which
2 shall include providing grants to impacted communities for
3 programs such as—

4 (1) job training;

5 (2) reentry services;

6 (3) expenses related to the expungement of con-
7 victions;

8 (4) public libraries;

9 (5) community centers;

10 (6) programs and opportunities dedicated to
11 youth;

12 (7) the special purpose fund discussed below;

13 and

14 (8) health education programs.

15 (d) AVAILABILITY OF FUND AMOUNTS.—Amounts in
16 the Fund shall be available without fiscal year limitation.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Fund
19 \$500,000,000 for each of fiscal years 2020 through 2042.

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